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January 30, 2010

VIA ECF

Hon. Anne E. Thompson, U.S.D.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Room 2020
Trenton, New Jersey 08608

Re: *Charles Novins, Esq., P.C. et al. v. Kevin A. Cannon, et al.*
U.S. District Court of New Jersey
Civil Action: 09-CV-5354-AET-DEA

Dear Judge Thompson:

I represent defendant Kevin A. Cannon and defendant and counter-claimant Carl R. Osterwald in the above captioned matter. Defendants Kevin Fries and Rhoda Lea Kirk-Fries have filed a Notice of Motion to Dismiss the Plaintiff's Complaint for Failure to State a Claim under *Fed. R. Civ. P.* 12(b) (6) and 12(c). At present, Mr. Novins' cases against Messrs. Osterwald and Cannon have been dismissed by Hon. Steven F. Nemeth, J.S.C. on September 25, 2009, without prejudice, for failure to answer propounded interrogatories. Based on Mr. Novins recent non-responsive answers to the interrogatories, it is likely that a motion will be forthcoming to dismiss the cases, with prejudice, for failure to provide discovery, should he fail to take corrective action. (Please see attached letter to Charles Novins, Esq. of January 30, 2010).

In the event that Mr. Novins' case is reinstated against either or both parties, we would individually or collectively join in on the Fries' motion, request oral argument, and rely upon the brief filed by Defendants Fries.

Respectfully Submitted,



Joseph A. Manzo, Esq.
Attorney for Defendant Kevin A. Cannon
and Defendant/Counter-Claimant
Carl R. Osterwald.

cc: D. Duncan, Esq.
C. Novins, Esq., via regular mail
R. Ragsdale, Esq.